

EXHIBIT 17

Deposition of Thomas Maronick, DBA, JD
Conducted on October 23, 2015

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1 Q Right. I'm saying -- I'll ask you again.
2 I apologize.

3 The 2015 survey was titled and/or designed
4 to address secondary meaning?

5 A Yes.

6 Q And so what I'm asking you is, independent
7 of your criticisms of it regarding secondary meaning,
8 is there anything from the 2013 survey from which you
9 could conclude anything about likelihood of confusion?

10 A In my judgment, no, because of all the
11 flaws in it.

12 Q Okay. The 2015 is consumer confusion.

13 Is there anything in the 2015 consumer
14 confusion survey from which you can conclude anything
15 about secondary meaning?

16 MR. VAN ARNAM: Objection to form.

17 A About the presence of it, no. As to the
18 absence of it, yes. Because her results basically
19 show that there is no -- her own data show that there
20 is no -- in the 2015 survey, that there's no
21 consumer -- there's no secondary -- excuse me.
22 There's no consumer confusion, there's no -- in the
23 2013 survey, the data show -- a careful, correct
24 analysis of the data show there is no second -- there
25 is no secondary meaning -- presence -- there is no

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1 presence of secondary meaning.

2 Q Okay. So let's take the Harper secondary
3 meaning report. And show me in the report how you
4 reach the conclusion that the numbers show, in fact,
5 no secondary meaning.

6 MR. VAN ARNAM: Which report? 2015?

7 MR. DORKIN: 2013.

8 A 2013.

9 Q My understanding, this is secondary
10 meaning.

11 And I believe you said that the numbers
12 will actually show that there is no secondary meaning?

13 A Yes.

14 Q Okay.

15 A I don't have -- at the time I wrote my
16 report, and I don't have now, the underlying data --

17 Q Okay.

18 A -- for this.

19 I've seen it since then.

20 Q Right.

21 A And when I looked at those data, all right,
22 I saw that her percentages were totally out of line
23 with generally accepted procedures and how to
24 collect -- correct -- how to analyze and present those
25 data.